THE HON'BLE SRI JUSTICE C.V.RAMULU

W.P.No.13665 of 2005

Dated: 31.08.2006

Between
K.Ashok

…..Petitioner

and

1.The District Collector, Warangal District,
Warangal and others.

…Respondents

THE HON'BLE SRI JUSTICE C.V.RAMULU

W.P.No.13665 of 2005

ORDER

This writ petition is filed seeking Certiorari to call for the records relating to the impugned proceedings in Revision Petition No.10 of 2004 dated 15.12.2004 on the file of the 1st respondent and to quash the same to the extent of directing the 2nd respondent to issue fresh notification to fill up the vacancy and consequently to direct the 2nd respondent to appoint the petitioner in the said vacancy.

It appears that pursuant to a notification issued by the Revenue Divisional Officer in the local newspaper, the petitioner and the 3rd respondent applied for the dealership of fair price shop of Lingampalli village, Chennarao Pet Mandal, Warangal District, which was reserved for SC community. After the interviews were conducted, the 2nd respondent- Revenue Divisional Officer, through his letter dated 27.5.2002 directed the Mandal Revenue Officer to verify the antecedents of the petitioner herein since he was provisionally

selected for being appointed as a fair price shop dealer of Lingampally village of Chennarao Pet Mandal. While the matter stood thus, it appears that on 16.5.2002, the local MLA addressed a letter to the Revenue Divisional Officer requesting him to consider the case of the 3rd respondent as fair price shop dealer of the said shop. Further, *vide* letter dated 15.5.2002, Member of Parliament also addressed a letter to the 2nd respondent recommending the appointment of the 3rd respondent. Thereafter, the 3rd respondent was appointed on 10.7.2002 . Aggrieved by the same, the petitioner carried the matter in appeal before the Joint Collector, who dismissed the appeal confirming the appointment of the 3rd respondent. Aggrieved thereby, the petitioner carried the matter further in revision before the District Collector, Warangal. However, the District Collector after verification of the records found that the appointment of the 3rd respondent is lacking of fair play and justice and therefore, allowed the appeal setting aside the appointment of the 3rd respondent herein, and directed the Revenue Divisional Officer to issue a fresh notification and fill up the vacancy as per the provisions of the control orders. This writ petition is filed aggrieved by the said orders insofar as the directing the Revenue

Divisional officer to issue fresh notification.

Pursuant to the said direction, a fresh notification was issued on 1.7.2005. However, in view of the pendency of this writ petiton the matter was not proceed with further.

It is the contention of the learned counsel for the petitioner that the petitioner was provisionally selected and antecedents were called for from the Mandal Revenue Officer and only due to the political intervention by the local MLA and MP, the 3rd respondent was appointed. The District Collector while accepting the contention of the petitioner and having set aside the appointment of the 3rd respondent ought to have directed the Mandal Revenue Officer to verify the antecedents of the petitioner and appoint him as a fair price shop dealer. Instead of that, the District Collector directed the Revenue Divisional Officer to fill up the vancancy by issuing a fresh notification, which is neither warranted nor necessary in the facts and circumstances of this case. Therefore, the impugned order to the extent of issuance of fresh notification is liable to be set aside.

In spite of service of notice, none appears for the 3rd respondent. The 2nd respondent filed a counter denying the

allegations made in the affidavit filed in support of the petition.

Learned Government Pleader submitted that once the appointment of the 3rd respondent is set aside, there was no other alternative for the District Collector except to direct the Revenue Divisional Officer to issue fresh notification and fill up the vacancy.

I have given my earnest consideration to the respective submissions made by the learned counsel on either side and perused the impugned order under challenge and other material available on record.

The petitioner has made categorical assertion before the District Collector as well as in the affidavit filed in support of this writ petiton that due to political intervention, the appointment of the petitioner could not be fructified and the 3rd respondent was appointed and the said appointment was set aside by the District Collector. Once, it is found that there was political intervention, the appointment of the 3rd respondent was lacking fair play and justice, the District Collector ought to have directed the Revenue Divisional Officer to consider the appointment of the petitioner by verifying the antecedents, if not already verified.

The petitioner has demonstrated all these facts by filing material papers before this Court as to the recommendations made in favour of the 3rd respondent by the local politicians and also demonstrated that the 3rd respondent belongs to a particular political party, which itself disqualify him from being considered as fair price shop dealer.

In view of the above, the orders passed by the District Collector, dated 15.12.2004 to the extent of directing the Revenue Divisional Officer to issue fresh notification for filling up the vacancy is set aside. The Revenue Divisional Officer is directed to proceed with the matter from the stage of verification of antecedents of the petitioner, if not already verified, for the purpose of consideration of appointment of the petitioner as fair price shop dealer of Lingalmpalli village and pass appropriate orders, within a period of four weeks from the date of receipt of a copy of this order.

Writ petition is, accordingly, disposed of. No costs.

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01.09.2006

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